
SUBSTITUTE SENATE BILL 5827

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Consumer Protection & Housing (originally sponsored by Senators Hobbs, Weinstein, Oemig, Fairley, Pridemore, Keiser, Regala, Kohl-Welles, Prentice, Kline and Rasmussen)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to consumer privacy; and amending RCW 19.182.020.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 19.182.020 and 1993 c 476 s 4 are each amended to read
4 as follows:

5 (1) A consumer reporting agency may furnish a consumer report only
6 under the following circumstances:

7 (a) In response to the order of a court having jurisdiction to
8 issue the order;

9 (b) In accordance with the written instructions of the consumer to
10 whom it relates; or

11 (c) To a person that the agency has reason to believe:

12 (i) Intends to use the information in connection with a credit
13 transaction involving the consumer on whom the information is to be
14 furnished and involving the extension of credit to, or review or
15 collection of an account of, the consumer;

16 (ii) Intends to use the information for employment purposes;

17 (iii) Intends to use the information in connection with the
18 underwriting of insurance involving the consumer;

1 (iv) Intends to use the information in connection with a
2 determination of the consumer's eligibility for a license or other
3 benefit granted by a governmental instrumentality required by law to
4 consider an applicant's financial responsibility or status; or

5 (v) Otherwise has a legitimate business need for the information in
6 connection with a business transaction involving the consumer.

7 (2)(a) A person may not procure a consumer report, or cause a
8 consumer report to be procured, for employment purposes with respect to
9 any consumer who is not an employee at the time the report is procured
10 or caused to be procured unless the contents of the consumer report are
11 substantially job related and the reasons for the use of the consumer
12 report are disclosed to the consumer in writing, and:

13 (i) A clear and conspicuous disclosure has been made in writing to
14 the consumer before the report is procured or caused to be procured
15 that a consumer report may be obtained for purposes of considering the
16 consumer for employment. The disclosure may be contained in a written
17 statement contained in employment application materials; or

18 (ii) The consumer authorizes the procurement of the report.

19 (b) A person may not procure a consumer report, or cause a consumer
20 report to be procured, for employment purposes with respect to any
21 employee unless the employee has received, at any time after the person
22 became an employee, written notice that consumer reports may be used
23 for employment purposes. A written statement that consumer reports may
24 be used for employment purposes that is contained in employee
25 guidelines or manuals available to employees or included in written
26 materials provided to employees constitutes written notice for purposes
27 of this subsection. This subsection does not apply with respect to a
28 consumer report of an employee who the employer has reasonable cause to
29 believe has engaged in specific activity that constitutes a violation
30 of law.

31 (c) In using a consumer report for employment purposes, before
32 taking any adverse action based in whole or part on the report, a
33 person shall provide to the consumer to whom the report relates: (i)
34 The name, address, and telephone number of the consumer reporting
35 agency providing the report; (ii) a description of the consumer's
36 rights under this chapter pertaining to consumer reports obtained for
37 employment purposes; and (iii) a reasonable opportunity to respond to

1 any information in the report that is disputed by the consumer. This
2 subsection applies to job applicants and current employees.

--- END ---